

## PATENT COOPERATION TREATY

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## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference W5039.025 LB	<b>FOR FURTHER ACTION</b>		See Form PCT/IPEA/416
International application No. PCT/EP2005/001264	International filing date (day/month/year) 08.02.2005	Priority date (day/month/year) 13.02.2004	
International Patent Classification (IPC) or national classification and IPC INV. H04L12/58 H04Q7/22 H04L29/06 G06F17/60			
Applicant SONY ERICSSON MOBILE COMMUNICATIONS AB et al.			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

- (sent to the applicant and to the International Bureau)* a total of 5 sheets, as follows:
  - sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
  - sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
- (sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- Box No. I Basis of the report
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

Date of submission of the demand  18.11.2005	Date of completion of this report  20.04.2006
Name and mailing address of the international examining authority:   European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized officer  Poppe, F Telephone No. +31 70 340-4378



# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/EP2005/001264

## Box No. I Basis of the report

1. With regard to the **language**, this report is based on

- the international application in the language in which it was filed
- a translation of the international application into , which is the language of a translation furnished for the purposes of:
  - international search (under Rules 12.3(a) and 23.1(b))
  - publication of the international application (under Rule 12.4(a))
  - international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements\*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

### Description, Pages

1-21 as originally filed

### Claims, Numbers

1-21 received on 22.11.2005 with letter of 18.11.2005

### Drawings, Sheets

1/6-6/6 as originally filed

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3.  The amendments have resulted in the cancellation of:

- the description, pages
- the claims, Nos.
- the drawings, sheets/figs
- the sequence listing (*specify*):
- any table(s) related to sequence listing (*specify*):

4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages
- the claims, Nos.
- the drawings, sheets/figs
- the sequence listing (*specify*):
- any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N) Yes: Claims 1-21

No: Claims

Inventive step (IS) Yes: Claims 1-21

No: Claims

Industrial applicability (IA) Yes: Claims 1-21

No: Claims

2. Citations and explanations (Rule 70.7):

**see separate sheet**

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**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

Reference is made to the following document:

D1: WO 01/28171 A

1. Claims 1, 5, 9, 15, 20 and 21 fulfill the requirements of the PCT with respect to novelty (Article 33(2) PCT) and inventive step (Article 33(3) PCT).

1.1. The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and shows (the references in parentheses applying to this document):

a method for conditional displaying of an electronic message comprising at least one display condition for the message (p. 9, l. 31 - p. 10, l. 3) in a portable electronic device (MS 4), comprising the steps of:

- receiving (by MMSC 2) the message from an external device (multimedia message generator 1) (p. 10, l. 13-22);
- determining (by MMSC 2) the geographical position of the portable electronic device (p. 10, l. 24-30);
- determining (by MMSC 2) whether the geographical position fulfills a geographical display condition of the message (p. 10, l. 32 - p. 11, l. 2);
- displaying the message in the portable electronic device if the at least one display condition is fulfilled (p. 11, l. 11-19).

The subject-matter of claim 1 differs from this known method in that the steps of receiving the message from an external device; determining the geographical position of the portable electronic device; and determining whether the geographical position fulfills a geographical display condition of the message are performed in the portable electronic device, which is the recipient of the message.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

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1.2. The problem to be solved by the present invention may be regarded as how to improve the accuracy for conditional displaying of messages.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT), because the problem and its solution according to the differentiating feature of the method of claim 1 are neither disclosed nor hinted at in the available prior art.

1.3. The corresponding independent claims 9 and 20 rephrase the subject matter of claim 1 in terms of device features and computer-readable instructions, respectively, and therefore also fulfill the requirements of the PCT with respect to novelty and inventive step.

1.4. The document D1 is also regarded as being the closest prior art to the subject-matter of claim 5, and shows (the references in parentheses applying to this document):

a method for forming an electronic message in an electronic device (multimedia message generator 1), comprising the steps of:

- entering said message (multimedia message);
- entering at least one display condition comprising a geographical display condition for conditionally displaying of the message (p. 9, l. 21-25);
- appending said display condition to said message (p. 9, l. 33 - p. 10, l. 3); and
- entering a receiver address to which the message should be sent (implicit in p. 9, l. 31-24: the entered receiver address is the address of MS 4).

The subject-matter of claim 5 differs from this known method in that the display condition is intended for a recipient of the message.

The subject-matter of claim 5 is therefore new (Article 33(2) PCT).

1.5. The problem to be solved by the present invention may again be regarded as how to improve the accuracy for conditional displaying of messages.

The solution to this problem proposed in claim 5 of the present application is considered as involving an inventive step (Article 33(3) PCT), because the problem and its solution according

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to the differentiating feature of the method of claim 1 are neither disclosed nor hinted at in the available prior art.

1.6. The corresponding independent claims 15 and 21 rephrase the subject matter of claim 5 in terms of device features and computer-readable instructions, respectively, and therefore also fulfill the requirements of the PCT with respect to novelty and inventive step.

2. Claims 2-4, 6-8, 10-14 and 16-19 are dependent on claims 1, 5, 9 and 15, respectively, and as such also meet the requirements of the PCT with respect to novelty and inventive step.